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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

MARY RICHARDS, in her capacity as
Personal Representative for the Estate of
JEFFERY FERRIS, deceased, and in her
capacity as Guardian Ad Litem for
CAMERON FERRIS, a minor,

Plaintiffs,

v.

U-HAUL INTERNATIONAL, INC., a
foreign corporation, AMERCO, a foreign
corporation, REPWEST INSURANCE
CO., a foreign corporation, U-HAUL CO.
OF OREGON, a domestic corporation, and
U-HAUL CO. OF WASHINGTON, a
domestic corporation,

Defendants.

Case No.: 3:23-cv-00062

(Multnomah County Circuit Court Case No.
22CV32560)

NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. §§ 1332, 1441

TO: THE CLERK OF THE ABOVE-ENTITLED COURT

AND TO: PLAINTIFF MARY RICHARDS AND HER COUNSEL, TRAVIS EIVA

PLEASE TAKE NOTICE that defendant U-Haul Co. of Washington hereby removes to
this Court the state court action described below.

1. On September 23, 2022, Plaintiff initiated a breach of contract action in the Circuit Court of the State of Oregon in the County of Multnomah, entitled *Mary Richards v. U-Haul International, Inc.; AMERCO; and RepWest Insurance Co.*, Case Number 22CV32560 (“Multnomah County Action”). A complete copy of the court file in the Multnomah County Action is attached as **Exhibit A**.

2. U-Haul International, Inc. (“UHI”) was served with process on October 26, 2022.

3. AMERCO¹ (“UH-Holding”) was served with process on October 14, 2022.

4. RepWest Insurance Co. (“RepWest”) was purportedly served with process on October 7, 2022.²

5. On November 8, 2022, Plaintiff filed her Amended Complaint, which added U-Haul Co. of Oregon (“UH-OR”) as a defendant. UH-OR was served with process that same day.

6. On December 20, 2022, Plaintiff filed her Second Amended Complaint, which added U-Haul Co. of Washington (“UH-WA”) as a defendant. UH-WA was served with process on December 22, 2022.

7. Less than 30 days have elapsed since UH-WA was served with process.

8. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1332(a)(1) and 1441 because there is complete diversity between Plaintiff and all defendants other than UH-OR, which was fraudulently joined; and because the amount in controversy exceeds \$75,000.

¹ AMERCO recently changed its name to “U-Haul Holding Company” and. Copies of the Nevada Secretary of State website showing the name change and the entry for U-Haul Holding Company are attached as **Exhibit B**.

² RepWest was purportedly served by service on a registered agent in Salem, Oregon. But RepWest is not registered to do business in Oregon and has not designated an agent for service of process in Oregon. Copies of the Oregon Secretary of State’s website showing search results for “RepWest” and “Rep West” are attached as **Exhibit C**. RepWest Insurance Co. does not appear among the results for either search.

- a. **Plaintiff.** Plaintiff is the Personal Representative of the Estate of Jeffery Ferris, a deceased resident of Oregon. Plaintiff is also the guardian ad litem of the minor child Cameron Ferris who is a resident of Oregon. For diversity jurisdictional purposes, Plaintiff is therefore a citizen of Oregon. 28 U.S.C. §1332(c)(2).
- b. **UHI.** Defendant UHI is a Nevada corporation, with its principal place of business in Arizona. For diversity jurisdictional purposes, UHI is not a citizen of Oregon.
- c. **RepWest.** Defendant RepWest is an Arizona company with its principal place of business in Arizona. For diversity jurisdictional purposes, RepWest is not a citizen of Oregon.
- d. **UH-WA.** Defendant UH-WA is a Washington corporation with its principal place of business in Washington.³ For diversity jurisdictional purposes, UH-WA is not a citizen of Oregon.
- e. **UH-Holding.** Defendant UH-Holding (f/k/a AMERCO) is a Nevada corporation with its principal place of business in Arizona. For diversity jurisdictional purposes, UH-Holding is not a citizen of Oregon.
- f. **UH-OR.** Defendant UH-OR is an Oregon corporation and a citizen of Oregon for diversity purposes. However, UH-OR's citizenship should be

³ In the caption of its Second Amended Complaint, Plaintiff describes UH-WA as “a domestic corporation,” but then alleges in paragraph 1(b) that UH-WA is a Washington corporation. UH-WA is, in fact, a Washington corporation and not a domestic corporation. A copy of the Washington Secretary of State's listing for UH-WA is attached hereto as **Exhibit D**.

disregarded because UH-OR has been fraudulently joined as a party to this case, as elaborated below.

9. This is a breach of contract case seeking underinsured motorist benefits under a truck rental contract that included insurance provisions. The rental contract was entered into between non-party Suzie Chu and defendant UH-WA. The other defendants—including UH-OR—are not parties to the contract and are not proper defendants in this case. UH-OR's citizenship should therefore be disregarded for purposes of diversity jurisdiction.

10. The amount in controversy exceeds \$75,000, exclusive of interest and costs. Here, Plaintiff claims damages that exceed \$43 million.

11. Defendants UHI, UH-OR, RepWest, and UH-Holding consent to the filing of this Notice of Removal. Additionally, RepWest's consent is not required because effective service has not been completed on RepWest.

12. Removal to the United States District Court for the District of Oregon, Portland Division is proper under 28 U.S.C. § 1441 and Local Rule 3-2(a)(1) because the case was filed in the Circuit Court for the County of Multnomah.

13. Pursuant to 28 U.S.C. §1446(d), upon filing this Notice of Removal, UH-WA shall promptly serve written notice thereof on Plaintiff and shall file copies of the Notice of Removal with the Clerk of the Circuit Court of the State of Oregon for the County of Multnomah and serve Plaintiff with a copy thereof.

14. Plaintiff is represented by Travis Eiva.

15. By filing this Notice, defendants do not waive, and expressly reserve, any defenses which may be available.

WHEREFORE, UH-WA removes the above-captioned action now pending against it in the Circuit Court of the State of Oregon for the County of Multnomah to the United States District Court for the District of Oregon, where it shall proceed as an action originally commenced there.

DATED: January 14, 2023

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CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing document on the persons and parties listed below by the method(s) indicated:

Travis Eiva, OSB 052440
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EIVA LAW
1165 Pearl Street
Eugene, OR 97401

Attorneys for Plaintiff

- ☒ First-class mail, postage prepaid
- ☐ Hand-delivery
- ☐ Overnight Courier, delivery prepaid
- ☒ Email copy, as a courtesy only
- ☒ Electronic Service, by the Court's CM/ECF System
- ☐ Other: _____

DATED: January 14, 2023

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